

### **REMARKS/ARGUMENTS**

This paper is in response to the Office Action dated June 11, 2010. In the Office Action, the Examiner objected to various informalities in the Specification. In response, Applicant has amended the Specification to resolve the issues, as shown above. Additionally, the Examiner objected to Claims 1, 6, and 10 for various informalities. In response, Applicant has amended these claims to resolve the issues, as shown above. Applicant has also amended Claims 9, 12, and 17 to resolve similar informalities without adding new matter or changing the scope of the claims.

In the Office Action, Claims 4, 5, and 14 were rejected under 35 U.S.C. § 112, first paragraph. In particular, the Examiner noted that the positions of the first insulating member 20' and second insulating member 20" elements of Figure 2 differ from those recited in the claims. Accordingly, Applicant has amended Figure 2 to correct the issue by reversing the errant labels of these two elements such that they coincide with the recitations of Claims 4, 5, and 14 and the description of paragraphs [0037] to [0038] of the Specification. Applicant therefore submits that the amendments to Claims 4, 5, and 14 suggested in the Office Action are no longer necessary, and respectfully requests that the rejection of these claims under 35 U.S.C. § 112 be withdrawn.

The Office Action further rejects Claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully disagrees and notes that the Examiner's suggested interpretation is improper. Claim 2 in its current form employs the standard usage of a serial comma to separate the list of elements that are connected to the weight (2a), namely: "a first insulating element (20') and a second insulating element (20"), "the first and second acceleration transducers (4a, 4b)," and "signal terminal (33) and feed terminal (34) projecting from the first and second acceleration transducers (4a, 4b)." Accordingly, Applicant respectfully requests that the rejection of Claim 2 under 35 U.S.C. § 112 be withdrawn.

Claims 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over PCT Publication No. WO 02/33260 to Etter in view of U.S. Patent No. 5,117,696 to Schmid. The

Examiner's further consideration of this application is requested in light of the amendments made above and the following comments.

The present invention generally relates to a sensor assembly for measuring movements of a fluid pump, a fluid pump provided with the assembly, and a cooler comprising such a sensor assembly. Claim 1 has been amended to recite that the sensor assembly is mounted in an internal position of a hermetic housing of the fluid pump. Support for this amendment can be found at least in paragraph [0053] of the Specification. Applicant respectfully submits that neither Schmid nor Etter teach or suggest this recitation of amended independent Claim 1.

The disclosure of Schmid generally relates to a biaxial accelerometer. Schmid, however, fails to discuss or even consider where such an accelerometer could be mounted. It follows that Schmid does not describe mounting the accelerometer in an internal position of a hermetic housing of a fluid pump. Therefore, Schmid does not teach or suggest a sensor assembly mounted in an internal position of a hermetic housing of a fluid pump, as recited in Claim 1.

The disclosure of Etter generally relates to a compressor for a refrigerating agent in a cooling circuit. While Etter appears to disclose a vibration sensor (20) comprising an accelerometer, the sensor is not mounted in an internal position of a hermetic housing of a fluid pump. Rather, Etter discloses that the sensor is located in a terminal box (48), which is mounted external to the compressor stator (16), as shown in the accompanying figure. Etter even suggests that a suitable alternative would be to externally mount the sensor on the cylinder head (36). There is nothing in Etter to suggest that the sensor or the terminal box containing the sensor is located within a hermetic housing of the compressor. Indeed, Etter fails to explicitly disclose whether the compressor itself is contained within a hermetic housing.

The Office Action appears to suggest that the connections provided through the wall of the compressor stator from the terminal box in Etter create a hermetic terminal. While Applicant respectfully disagrees that Etter provides any suggestion of any hermetic housing, even if a hermetic terminal did exist between these two elements it would follow that the terminal box would necessarily be located outside of the hermetic housing of the compressor stator.

Therefore, Etter fails to teach or suggest a sensor assembly mounted in an internal position of a hermetic housing of a fluid pump.

For at least these reasons, Applicant respectfully submits that neither Schmid nor Etter, whether considered alone or in combination, teaches or suggests each recitation of amended Claim 1. Accordingly, it is submitted that Claim 1 is patentably distinct from the combination of Schmid and Etter. For similar reasons, Applicant submits that independent Claim 18, which recites a cooler characterized by comprising a sensor assembly as defined in claim 1, is further patentable over the cited references.

Independent Claim 9 recites a fluid pump comprising a sensor assembly wherein the sensor assembly comprises a bias circuit associated to an accelerometer, the bias circuit being mounted in an internal portion of the hermetic housing of the fluid pump. For at least the reasons stated above with respect to Claim 1, Applicant submits that neither Schmid nor Etter discloses any hermetic housing. Furthermore, Applicant asserts that neither Schmid nor Etter discloses a bias circuit. The Office Action suggests that a bias circuit is disclosed by the control device (18) of Etter. Applicant submits, though, that there is nothing in Etter to suggest that the control device provides the same functionality as the bias circuit of Claim 9, namely amplifying the magnitude of the signal sent by an accelerometer. Even if the control device were equivalent to the bias circuit, however, the control signal is located within the terminal box, which is not in an internal position of the hermetic housing of a fluid pump for at least the reasons described above with respect to Claim 1. Therefore, Applicant submits that Claim 9 is also patentably distinct from the combination of Schmid and Etter.

The Applicant has made significant contributions to the art which are neither taught nor suggested by the cited prior art. Accordingly, it is submitted that the application is now in condition for allowance and such action is respectfully submitted. Should the Examiner have any questions, comments or proposed claim amendments, he is encouraged to contact the undersigned by telephone so that allowance of this application can be expedited.

Appl. No.: 10/557,538  
Amdt. dated October 11, 2010  
Reply to Office Action of June 11, 2010

The patentability of the independent claim has been argued as set forth above and thus the Applicant will not take this opportunity to argue the merits of the rejection with regard to the dependent claims. However, the Applicant does not concede that the dependent claims are not independently patentable and reserves the right to argue the patentability of the dependent claims at a later date if necessary.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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